

REMARKS

Claim 16-18 and 30-32 have been identified as allowable, but are objected to for depending from rejected claims. Claims 1-9, 11-15, 19-29 and 33-38 have been rejected. New claim 39 has been added, claims 1-9, and 11-39 are pending herein.

✓ The objection to the figures has been addressed by the submission of new formal drawings.

✓ Objections to the claims as listed in section 2 of the Office Action have been overcome. The amendments overcoming the claim objections have been entered to clarify the recited invention, and not to limit its scope. Claims 16-18 and 30-32 have been written as independent claims and are now allowable.

✓ The preambles of claims 1, 21, and 35 have been amended to overcome the rejection made by the Office at sections 3 and 4 of the Office Action. The scope of the claims has not been narrowed.

✓ At section 5 of the Office Action, Claims 1, 21 and 35 are rejected under 35 U.S.C. § 112 second paragraph as being indefinite. Due to what appears to be a typographical or grammatical inconsistency, it is unclear what the precise nature of the rejection at section 4 is based on. Specifically, the Office states that -- [t]he using of "... *indicator*" is vague and indefinite because it does not disclose the intend to use of [sic] the *new packet identifier*.-- If for any reason, the response to section 6 below does not address the § 112 issue of section 5, the Office is respectfully requested to clarify the rejection of section 4 in a subsequent response.

✓ At section 6 of the Office action, the Office states that there is lack of antecedent basis support for the first, second, and third indicators in the specification. It is believed that appropriate support for the recited indicators is provided in the specification. Specifically, the last paragraph of page 41, FIG. 35 and its supporting text, disclose detecting splice flags that indicate a splice is going to occur. Use of the term "splice indicator" is believed consistent with the disclosure because "a splice flag that indicates a splice" can be reasonably interpreted to be a "splice indicator." Multiple splice flags (e.g., a first, second...splice flag) associated with each

splice event are also described. In addition, the specific implementation described, allows an interrupt to be generated in response to detection of the splice indicator in a transport stream. For at least this reason, the rejection under section 6 of the Office Action should be withdrawn.

✓ The Office Action rejects Claim 1 under 35 U.S.C. § 103(a) as being unpatentable over Miyamoto (U.S. patent 6,414,954) in view of Teichmer (U.S. patent 6,380,992). This rejection is respectfully traversed.

A prima facie rejection of claim 1 has not been made in that neither Miyamoto nor Teichmer disclose nor suggest, alone or in combination, determining a new packet identifier in response to detecting the first splice indicator as recited in claim 1 (emphasis added). Because neither Miyamoto nor Teichmer establish determining a new packet identifier as recited, the Office Action fails to show that the proposed Miyamoto-Teichmer combination discloses, teaches, or suggests all elements of the claims. In addition those claims dependent upon claim 1 disclose additional non-obvious subject matter. Withdrawal of the rejection of claim 1, and those claims that depended from claim 1, under § 103 is respectfully requested.

✓ A prima facie rejection of claim 21 has not been made in that neither Miyamoto nor Teichmer disclose nor suggest, alone or in combination, determining a new packet identifier in response to detecting the first splice indicator as recited in claim 21 (emphasis added). Because neither Miyamoto nor Teichmer establish determining a new packet identifier as recited, the Office Action fails to show that the proposed Miyamoto-Teichmer combination discloses, teaches, or suggests all elements of the claims. In addition those claims dependent upon claim 21 disclose additional non-obvious subject matter. Withdrawal of the rejection of claim 21, and those claims that depend from claim 21, under § 103 is respectfully requested.

✓ A prima facie rejection of claim 35 has not been made in that neither Miyamoto nor Teichmer disclose nor suggest, alone or in combination, determining a new packet identifier in response to detecting the first splice indicator as recited in claim 35 (emphasis added). Because neither Miyamoto nor Teichmer establish determining a new packet identifier as recited, the Office Action fails to show that the proposed Miyamoto-Teichmer combination discloses, teaches, or suggests all elements of the claims. In addition those claims dependent upon claim

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disclose additional non-obvious subject matter. Withdrawal of the rejection of claim 35, and those claims that depend from claim 35, under § 103 is respectfully requested.

Claim 39 has been added in view of allowable subject matter.

Applicant(s) respectfully submit that the present application is now in condition for allowance. Accordingly, the Examiner is requested to issue a Notice of Allowance for all pending claims.

Should the Examiner deem that any further action by the Applicant(s) would be desirable for placing this application in even better condition for issue, the Examiner is requested to issue a formal Notice of Allowance for all pending claims.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0441.

Respectfully submitted,

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Date

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